United Nations CED/C/SR.199

International Convention for the Protection of All Persons from Enforced Disappearance

Distr.: General
13 March 2017

Original: English

Committee on Enforced Disappearances
Twelfth session

Summary record of the 199th meeting
Held at the Palais Wilson, Geneva, on Monday, 6 March 2017, at 3 p.m.

Chair: Mr. Corcuera Cabezut

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The meeting was called to order at 3.10 p.m.

Consideration of reports of States parties to the Convention

Initial report of Cuba (CED/C/CUB/12/1; CED/C/CUB/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Cuba took places at the Committee table.*

2. **Mr. Pedroso Cuesta** (Cuba), introducing the initial report of Cuba (CED/C/CUB/12/1), said that the report had been drafted through a participatory process involving broad consultations with, among others, representatives of government institutions, the legislative branch and non-governmental organizations (NGOs). Until 1958, and especially under the Batista dictatorship, enforced disappearance had been a common practice on the part of the Cuban authorities. However, the Cuban Revolution had put an end to that State practice. Since 1959, the guarantee of the right to life, respect for the physical and mental integrity of the individual and protection of citizens' interests had constituted one of the pillars of the Revolution. Accordingly, there were no cases of enforced disappearance or secret detention in Cuba.

3. Cuba had participated actively in the negotiations on the Convention: it was one of the main co-sponsors of the resolution on the adoption of the Convention and one of the first 10 countries in the world to ratify it, which it did in February 2009. The Cuban legal system embodied universally recognized safeguards for the protection of human rights, as well as material safeguards for the latter's effective exercise, and the Cuban Constitution protected human dignity as a cardinal value. The laws of Cuba sought to prevent the acts prohibited by the Convention and established penalties for those who committed them; Cuba would never permit its territory to be used as a base for their commission. Laws to protect the population against enforced disappearance were therefore not subject to exceptions in the event of war, internal political instability or any other public emergency.

4. Severe penalties were imposed for acts that violated the life, physical integrity or freedom of persons, and aggravating circumstances were considered to exist when such acts were committed against a child, were the result of an abuse of power, exploited the defencelessness of the victim or were committed by a public servant. The freedom and inviolability of the person were guaranteed to everyone who resided in the national territory, and no one could be subjected to arbitrary detention. The deprivation of a person's liberty was conducted in accordance with criminal procedure and extensive due process guarantees, which were in conformity with international standards, including the ability to challenge the legality of detention by means of a petition for habeas corpus. Between 2010 and the first quarter of 2016, the Cuban courts had considered 88 writs of habeas corpus, finding in favour of the petitioners and ordering the immediate release of the persons detained in four cases, without prejudice to the criminal accountability of those accused.

5. Protection and assistance were provided to victims, complainants and witnesses of any criminal offence from the outset of criminal proceedings. In addition, an automated system had been instituted to provide reliable public services and information concerning the arrest, execution of penalties and pretrial detention of all individuals. That system, together with the maintenance of other official registers and the case files for all persons deprived of their liberty, combined to ensure that Cuba met the requirements set forth in article 17 (3) of the Convention.

6. Although there were no cases of enforced disappearance in Cuba, the Government was aware that much work still remained to be done. It continued to make progress in implementing its obligations under the Convention, including through efforts to amend and update the Criminal Code, in particular so as to provide for a more explicit characterization of the crime of enforced disappearance. In the meantime, other offences, whose constituent elements could be equated with the commission of the acts proscribed by the Convention, served to offset the lack of a definition of enforced disappearance as a separate offence.

7. Any person under arrest or investigation or subject to prosecution or detention enjoyed due process guarantees, and prosecutors ensured the protection of the rights of victims or injured parties. All persons taken into custody underwent a medical examination,

and any prisoner who presented injuries was required to be issued a medical certificate listing the cause of such injuries. Articles 272 to 274 of the Criminal Code prescribed penalties for anyone found guilty of mistreating a prisoner, and documentary evidence of investigative measures could be challenged on the basis of allegations of ill-treatment; in such cases, a medical examination was automatically performed. In addition, investigative commissions were established when there was reason to believe that public servants or agents had been involved in inflicting such ill-treatment.

8. Cuba ensured through both legal and practical measures that all prisoners received decent and fair treatment. Stiff penalties were imposed on prison staff who failed to comply with such measures, and strict compliance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) was expected. All persons who were deprived of their liberty received free medical treatment.

9. A progressive scheme was used in overseeing custodial sentences. Focused particularly on young persons, it was aimed at promoting education and fostering positive behaviour among prisoners with a view to their early release and full social reintegration. All prison facilities were subject to independent inspection by judges and prosecutors; military prisons were subject to inspection by military prosecutors. Any infractions observed resulted in an order to rectify the unlawful situation and engaged the criminal and administrative responsibility of the public servants involved.

10. Children and adolescents received priority attention in Cuba, and a comprehensive system had been developed to provide them with broad protection. The Criminal Code defined as an offence the substitution of one child for another, as well as the sale and trafficking of children. Concerning adoption, preference was given to Cuban couples who could not conceive and wished to adopt a child. Given the strictness of the adoption process in Cuba, there were no cases of illegal adoption.

11. Cuba had concluded a total of 11 extradition treaties and 27 agreements on mutual legal assistance, 16 of which provided for extradition. It also recognized the Bustamante Code of Private International Law of 1928, whose section 3 regulated extradition. Cuba had opted against using the enumerative method for the offences covered by such agreements so as to encompass all designations of offences, irrespective of their description in national laws.

12. Training provided to medical staff, prison staff and directors, the police, public servants, criminal investigation officials and civil and military law enforcement officers incorporated courses in international human rights instruments, including the International Convention for the Protection of All Persons from Enforced Disappearance, in keeping with article 23 of the Convention. The Government would continue its efforts to make improvements and meet the challenges it faced in furthering the full enjoyment of human rights for all citizens in Cuba.

13. **Mr. López Ortega** (Country Rapporteur) said that he would welcome more details concerning the consultative process used to draft the State party's report, particularly the way in which the Government had structured its dialogue with civil society organizations. He wished to know whether it had sought the views of associations that represented imprisoned or detained persons, religious organizations that assisted such persons or NGOs that were internationally recognized for their principled approach, such as Human Rights Watch or Amnesty International, or others working at the regional level.

14. Given that the State party had not made the declarations provided for in articles 31 and 32 of the Convention relating to the Committee's competence to receive and consider individual and inter-State communications, he would be interested to know what difficulties it might have encountered in that regard. He wished to stress the importance of several other international instruments that the Committee considered essential for ratification by all States parties to the Convention in order to ensure that all citizens under their jurisdiction enjoyed the rights recognized therein. Those instruments were the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights and the Rome Statute of the International Criminal Court.

15. Although the system in place in Cuba for promoting and protecting human rights fulfilled an undeniably important function, both the Committee and the international community in general were of the view that an independent national human rights institution that functioned as a supervisory body was essential for guaranteeing the human rights of all citizens. While acknowledging the studies being conducted by the State party in connection with the amendment of the Criminal Code, one aim of which was to incorporate a more explicit characterization of the offence of enforced disappearance, he noted that the Code's current fragmented approach to the penalization of enforced disappearance weakened the protection it afforded to individuals. Such an approach could never offer as much protection as that offered by legislation that had been brought into strict conformity with the Convention. Particularly rigorous adherence was needed in terms of specifying in the national legislation the various forms of enforced disappearance that were referred to in the Convention and the way in which they were interpreted by the Committee. That included the forms of enforced disappearance covered by articles 2, 3 and 5 of the Convention.

16. While reiterating the importance of an independent judiciary in guaranteeing the effective investigation of cases of enforced disappearance, he would like to draw the delegation's attention to the Committee's 2016 statement on enforced disappearance and military jurisdiction in which it reaffirmed that military jurisdiction ought to be excluded in cases of gross human rights violations, including enforced disappearance. Given that the Committee had observed that military jurisdiction in the State party was extraordinarily broad, and even though military courts could defer jurisdiction to the ordinary courts, which they, in fact, frequently did, the State party should nevertheless, as a matter of principle, exclude cases of enforced disappearance from military jurisdiction. Such exclusion would be in keeping with the provisions of other international human rights instruments as well. Along those lines, he wished to know what progress the State party had made in implementing the recommendation made to it by the Committee against Torture in its 2012 concluding observations (CAT/C/CUB/CO/2, para. 18) to the effect that legislative measures should be adopted to guarantee the independence of the judiciary. According to articles 121 and 122 of the Cuban Constitution, the judiciary was hierarchically subordinate to the National Assembly of People's Power and to the Council of State, thus creating a lack of structural independence. The independence of the judiciary was an essential guarantee not only for a democratic State but also for ensuring the effectiveness of criminal investigations into the offence of enforced disappearance.

17. **Mr. Figallo Rivadeneyra** (Country Rapporteur), referring to existing legal measures used to protect the population from acts of enforced disappearance, said that he would appreciate it if the delegation could explain how those measures could potentially give rise to confusion or allow legal loopholes that might constitute cause for concern by the Committee. For example, he wished to know how the State party's assertion in its replies to the list of issues (CED/C/CUB/Q/1/Add.1) to the effect that a state of emergency could not be used as justification for a failure to observe the principle of the non-derogability of rights related to enforced disappearance could be reconciled with Act No. 75. Article 10 of that Act provided that, during a state of exception, the National Defence Council had the discretion to adjust the rules concerning the exercise of the right to the inviolability of the home or the deprivation of liberty in accordance with the particular circumstances of the state of exception. He requested clarification as to how, in such circumstances, judicial guarantees to prevent arbitrary arrest or detention were maintained.

18. With regard to statutory limitations, he was concerned that article 64.1 of the Criminal Code was not in conformity with article 8 of the Convention in that it indicated that the term of limitation for prosecuting a case of unlawful deprivation of liberty commenced from the moment when the criminal act was committed, and not from the moment when the commission of an offence of enforced disappearance had been brought to the attention of the authorities. The term of limitation for bringing criminal proceedings in cases of enforced disappearance that constituted a crime against humanity was even more pressing an issue, inasmuch as there were some gaps in the characterization of crimes against humanity in the State party's legislation.

19. As to the responsibility of superiors, the State party had indicated in its replies to the list of issues that its criminal legislation prescribed penalties for the failure to report an offence and for concealment. However, that indication seemed to be contradicted by articles 117 and 168 (2) of the Code of Criminal Procedure, which exempted certain persons from the duty to report an offence or certain public servants from testifying as witnesses on account of the confidentiality that they were bound to maintain by virtue of their functions. Such provisions could give rise to an exception to the State party's obligation to report a suspected act of enforced disappearance; that undermined the protection provided against such acts and also violated the Convention.

20. On the subject of due obedience to superior orders, he asked whether a protocol had been established to guide civilian or military public servants in cases where they might receive an order to perform an unlawful act. He would appreciate clarification of the State party's position on the matter of suspending or dismissing public servants from their post when they were implicated in an investigation, as well as on the impact that an excessive esprit de corps within the force or organization to which a public servant belonged might have on the conduct of an investigation. He requested additional information as to whether a witness protection system had been established in the State party; if not, it was important to establish one, given that the lack of such a system often prevented individuals from lodging a complaint.

21. **Mr. Hazan** said that he wished to commend Cuba for the solidarity it had shown in the past with other Latin Americans who, to escape becoming victims of enforced disappearance in their home countries, had been welcomed to its territory. He asked for details concerning the four cases of habeas corpus in which the court had found in favour of the petitioners and whether, with regard to the cases of enforced disappearance that had occurred prior to 1959, any criminal action had been brought, penalties imposed or reparation made to the victims. Given the indication in the report that, pursuant to Cuban law, a request for the extradition of a Cuban citizen who was accused of having committed an enforced disappearance in a foreign country would be rejected by the State party, he wished to know whether any legal mechanism had been established according to which persons whose extradition was requested for an offence could be tried in Cuba for that offence.

22. **Mr. Yakushiji** said that the definition of the offence of enforced disappearance comprised three essential elements: first, some form of deprivation of liberty; second, the involvement of the State, including its acquiescence; and third, a refusal to acknowledge the deprivation of liberty or concealment of the fate or whereabouts of the person. He asked how those three elements, in particular the element of concealment, were taken into account when the definitions of the offences involving deprivation of liberty under articles 279 to 283 of the Criminal Code were applied, especially in order to determine the corresponding penalties and to determine the duration of the statute of limitations in respect of criminal proceedings for those offences. He would appreciate it if the delegation could provide information on whether the amendment of the Criminal Code referred to in paragraph 85 of the report included not only all three constituent elements of the crime of enforced disappearance but also produced all the legal effects referred to in the Convention.

23. **Mr. Huhle** said that, even though there were no cases of genocide or apartheid in Cuba, the State party nevertheless defined them as offences under its criminal legislation. He asked why it had not done the same for the crime of enforced disappearance, which, in his view, it was more urgent to do, since the penalties for the various elements of the offence of enforced disappearance under the Criminal Code varied widely in terms of their severity and in terms of the statutory limitations in respect of each offence.

The meeting was suspended at 4 p.m. and resumed at 4.20 p.m.

24. **Mr. Amorós Núñez** (Cuba) said that the collective effort to draft the State party's report had taken one year and had been carried out by a working group coordinated by the Ministry of Foreign Affairs. A group of NGOs had provided feedback on a draft report that had been submitted to a civil society forum organized by several NGOs. As there were several thousand Cuban NGOs working in various fields in Cuba, only those working in areas related to the Convention had participated in the process. The process had not

included associations of persons deprived of their liberty, as no such associations existed in Cuba, nor had it included any large international NGOs, as participation had been based primarily on the criterion of familiarity with the current situation in Cuba. Among those consulted had been the Unión Nacional de Juristas Cubanas (Cuban bar association), the Federation of Cuban Women and a group of organizations coordinated by the Asociación Cubana de las Naciones Unidas (Cuban association in support of the United Nations), including some religious organizations. There were no organizations in Cuba whose work focused specifically on the implementation of the Convention simply because there had not been any cases of enforced disappearance in Cuba; however, the views of large legal organizations that had considered the topic had been included in the report.

25. **Mr. Escandón Carro** (Cuba) said that Cuba had a broad inter-institutional system that ensured that all complaints and reports of violations of human rights lodged by citizens, or legal questions submitted by them, were received, processed and followed up. The system was headed by the Office of the Attorney General, which had national, provincial and municipal branch offices. Various other institutions were also competent to receive complaints, claims and petitions from citizens. For example, all ministries had offices that provided services to the public, as did the National Assembly of People's Power, the Council of Ministers, the Council of State, provincial assemblies and other public agencies. In 2014, the Attorney General's Office had set up a hotline to facilitate receiving complaints and legal questions from the public and, in 2015, an interactive web portal for citizens had been launched. Persons deprived of their liberty also enjoyed the right to submit complaints. For all those reasons, the Government had not considered it necessary to make the declarations provided for under articles 31 and 32 of the Convention. That said, it should be noted that Cuba engaged continuously in studying questions related to the international treaties to which it was a party.

26. With regard to the other international instruments that the Committee considered the most important for States parties to ratify, he recalled that Cuba was a party to more than two thirds of the core international human rights instruments, which placed it among the top countries in the world in terms of the number of such ratifications. Cuba would continue to exercise its sovereignty in deciding whether or not to ratify the remaining treaties when the conditions relating to the actions of the Cuban Government in the sphere of human rights were not subject to political manipulation and singularization. Nevertheless, the fact that Cuba had not ratified certain international instruments did not preclude it from respecting their letter and spirit. That was the case, for example, with the two International Covenants of 1966 relating respectively to civil and political rights and to economic, social and cultural rights. The rights set out in those instruments were guaranteed, protected and allowed full exercise within the Government's institutional structure; moreover, Cuba engaged in considerable efforts to ensure that those rights were respected in other parts of the world by means of its international cooperation in human rights.

27. In response to the Committee's recommendation that Cuba should set up a national human rights institution, he wished to point out that the broad participatory and inter-institutional system that Cuba had established for the protection of human rights worked very well, as evidenced by feedback from citizens. The Government therefore did not consider it necessary to set up such an institution at the current time. The model that was based on the Paris Principles was not the only viable model; rather, each country was entitled to determine independently which model was best suited to protecting human rights in its territory, taking into account its particular situation.

28. **Ms. Vasallo Olivera** (Cuba) said that Cuba took the ratification of international conventions as a serious responsibility, which involved bringing its national legislation into line with the commitments it had made. To that end, the introduction of guidelines on economic and social policy in 2011 had led to the establishment of a working group consisting of legal and other experts to conduct an analysis and evaluation of the country's legislation with a view to aligning it with international conventions, including in respect of enforced disappearance. It was worth noting that national legislation reflected the country's historical development and, since enforced disappearance had not been a problem in Cuba, it had not been defined in law as a crime prior to ratification of the Convention. However, although enforced disappearance itself was not yet explicitly included in criminal law,

elements of it were addressed in a range of legal provisions covering, for instance, attacks on private freedoms or the integrity of the person.

29. As a result of its revolutionary origins, the country's legal system put particular emphasis on popular participation. Alongside professional judges, there were also lay judges, who were not legal professionals but joined the administration on the basis of their life experience. Judges were selected by the Assemblies of People's Power at different levels; the justices on the Supreme Court were selected by the National Assembly and, hence, were completely independent of the Government. On handing down a sentence, all judges were required to provide an explanation of their reasoning. The decisions of the Supreme Court were definitive. The Governing Council had regulatory capacities under the Constitution and could provide clarification or interpretation to avoid any problems in the application of the law, but it could not intervene in an individual case. Any judge suspected of not being independent was required to recuse himself or herself.

30. In respect of the four cases of habeus corpus that had been upheld, three of the individuals concerned had been imprisoned in 1990 or 1991 and had then escaped. They had been caught and sent back to prison in 2013 or 2014 to serve their sentences. The other case concerned a convicted prisoner who had been kept in prison instead of being transferred to hospital for medical treatment because the court order had not been properly recorded.

31. **Mr. Escandón Carro** (Cuba) said that the independence of criminal investigations, including in possible cases of enforced disappearance, was ensured under the Code of Criminal Procedure. The police and the criminal investigation and operations body of the Ministry of the Interior, together with the Office of the Attorney General, were responsible for criminal investigations, the latter serving as guarantor both of the rights of the accused and the victim and of the interests of the State and society. The Military Criminal Procedure Act covered the investigation of offences committed by military personnel or in military zones, which were subject to military jurisdiction, although it was both permissible and common for the military authorities to transfer cases to the civilian courts when they saw fit. In respect of the statute of limitations, the Criminal Procedure Act gave different starting points for the term of limitation, but crimes against humanity, which could cover enforced disappearance in the case of genocide, were by their nature not subject to any statute of limitations.

32. Superior orders could not be used as a defence, as the Criminal Procedure Act provided that all persons were obliged to report any criminal acts to the authorities. Hence, superiors were required to report any illegal acts, including enforced disappearance, by their subordinates, and subordinate officers could not claim superior orders to escape responsibility for such acts. If there was any suspicion during an investigation that a member of the investigating team was involved in an offence, he or she would be removed from his or her post and suspended until the investigation was complete. Protection for witnesses was available through the filing of complaints. One third of the over 124,000 complaints submitted to the Attorney General's Office the previous year had concerned legal proceedings. Furthermore, article 142 of the Criminal Code provided that protection must be given to any person who had suffered harassment as well as to his or her family.

33. **Mr. Rodríguez Rojas** (Cuba) said that, if a state of emergency were to be declared for reasons of a natural disaster, the relevant law ensured that human rights and the guarantees afforded against enforced disappearance both nationally and in international treaties would be maintained.

34. **Mr. Pedroso Cuesta** (Cuba) said that there was no definition of enforced disappearance in the State party's legislation because it had entered international law only relatively recently compared to the crimes of genocide and apartheid; that absence did not in any way indicate that the offence was not taken seriously. As concerned such crimes committed before 1959, the main perpetrators had emigrated to the United States of America and the absence of diplomatic relations with that country meant that Cuba had not been able to bring them to justice.

35. **Mr. López Ortega** said he would be interested to hear if the State party was intending to ratify the Rome Statute of the International Criminal Court and whether a

Cuban national whose extradition had been requested by another country could be prosecuted in the State party. Noting that the legal reform process had been initiated in 2011, he would like to know if any substantive changes had been introduced since then. Had any reforms been introduced as a result of the recommendation made by the Committee against Torture in 2012 concerning the independence of the judiciary? He would welcome further details on, for instance, regulations guaranteeing that independence. It was interesting to note that the Act on the Governing Council of the Supreme Court provided for that non-legislative body to issue general instructions, something that was not seen in other legal systems. Another unusual feature was that the Minister of Justice or the Attorney General could be invited to its meetings. Furthermore, while legal systems in other countries provided for lay persons to be appointed on a random basis to juries, lay judges in Cuba were appointed by organizations, such as workers' organizations.

36. While the delegation seemed to be of the opinion that no substantive institutional reforms were necessary because of the specific situation in the country, he recalled the need for standardization of practices among States parties that had undertaken to introduce the global vision of human rights into their societies, and hence for ratification of the international treaties. Emphasizing that the death penalty should in any case be avoided in sentencing, he asked whether the State party was considering any reforms in that respect.

37. **Mr. Figallo Rivadeneyra** said that, given the existence of efficient mechanisms for dealing with complaints, as explained by the delegation, it would seem that Cuba was already in a position to make the declaration under article 31 of the Convention. In respect of an individual involved in an investigation being suspended from that investigation on suspicion of offences related to enforced disappearance, it was important to note the difference between prosecutors, who had a certain degree of autonomy, and officers of the police force or the Ministry of the Interior, where such a suspension could be interpreted as a threat to the whole unit.

38. He recognized that fundamental rights were non-derogable during a state of emergency, but wished to know whether the right to a prompt and effective judicial remedy would be maintained under the applicable regulations. He would welcome more information on the implementation of provisions of the Criminal Code under which public and military officials were exempted from the obligation to report criminal activities if that would violate their professional secrecy.

39. **Mr. Decaux** said that it was very important that all countries, whatever their national specificities, should include the standard definition of enforced disappearance, as found in articles 2 and 5 of the Convention, in their national legislation.

40. **Mr. Hazan** said that he would like to know how the State party would deal with a request for the extradition of a foreign national for a crime of enforced disappearance committed in another country, as it was not considered an offence under Cuban law. In respect of cases of enforced disappearance from before 1959, what had been done in respect of reparations for victims and in cases where the victim had still not been found?

41. **The Chair**, speaking as a member of the Committee, said that article 12 (4) of the Convention concerned not only the suspension of an alleged perpetrator but also the need to prevent members of the same unit or force participating in the investigation.

42. **Mr. Amorós Núñez** (Cuba) said that, although Cuba was not currently considering ratifying the Rome Statute of the International Criminal Court, it firmly believed in the Court's work and permitted no impunity for offences committed by State authorities. It was a party to 44 international human rights instruments and considered itself to be in the vanguard of the human rights movement. The issue of the death penalty was under review and there had been no executions in Cuba since 2003.

43. **Mr. Escandón Carro** (Cuba) said that there was a policy whereby any official suspected of an offence related to enforced disappearance was automatically suspended from his or her duties and would be subject to the procedure provided for in the internal regulations of the military or civilian unit or force; such suspension did not apply, however, to all the members of the unit or force. The legislation also stated clearly that the obligation to denounce such crimes took precedence over any vow of professional secrecy. In the

system for the submission of complaints, the Office of the Attorney General played the main role, but other authorities at all levels, even up to the National Assembly and the Council of Ministers, were empowered to consider such complaints, and all cases of violations of rights were subject to prompt and impartial investigations.

44. **Ms. Vasallo Olivera** (Cuba) said that, were the Cuban authorities to receive a request for the extradition of a foreign national who had committed a crime of enforced disappearance in another country, they would take account of the conduct that constituted the crime, rather than the name given to it, and extradition would thus be possible. In the case of a similar extradition request for a Cuban national, the person could be brought to trial in Cuba for the constituent crimes as defined in national law.

45. In respect of judicial independence, the legal system in Cuba was the result of a revolutionary process peculiar to the country and its development. There had never been any reports from the people of a need for a structural reform of the legal system. However, changes had been made to it in the past and she did not exclude the possibility of structural changes being made in the future, but the principle of maintaining the revolutionary origins of the system was important.

46. The Governing Council had regulatory, not legislative, powers, but it could provide clarification to assist in the application of specific parts of legislation when requested to do so. The review of the Criminal Code had been conducted according to a rigorous process of examination and consultation since 2011 and the working group had produced various versions of normative drafts since then. The review concerned a piece of fundamental legislation which would affect all areas of the national legal framework and entail revisions of many of them. A proposed text would be put to the National Assembly for consideration when appropriate.

47. **Mr. Pedroso Cuesta** (Cuba) said that the exercise was not simply a review of the country's criminal legislation but a constitutional reform aimed at updating the nation's economic and social model as well as bringing its legislation into line with the international instruments to which it was a party. However, there was as yet no specific time frame.

48. **Mr. Escandón Carro** (Cuba) said that a number of provisions of the Criminal Code could be used in cases involving enforced disappearance; they included provisions for aggravating factors, such as the death of the victim, and mitigating factors, such as where the victim was freed within three days without having suffered harm.

49. **Ms. Vasallo Olivera** (Cuba) said she recognized the need for the international definition of enforced disappearance to be included in national legislation. It was interesting to note that even the much broader wording adopted in some countries always included the definitions from international standards.

The meeting rose at 6 p.m.